## REMARKS

Claims 1, 4, 5, 7-9, 11, 12, 15, 16, 18-20, and 22-29 have been examined. Claims 4 and 5 have been rejected under 35 U.S.C. § 112, second paragraph, and claims 1, 4, 5, 7-9, 11, 12, 15, 16, 18-20, and 22-29 have been rejected under 35 U.S.C. § 103(a).

### I.     Rejection under 35 U.S.C. § 112, second paragraph

Claims 4 and 5 have been rejected under 35 U.S.C. § 112, second paragraph, because "the radio communication device" in claim 4 lacks antecedent basis. Applicants submit that the amendments to the claims overcome the rejection and clearly do not narrow or otherwise change the scope of the claims.

### II.     Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,169,897 to Kariya ("Kariya"), U.S. Patent No. 6,202,023 to Hancock et al. ("Hancock"), and U.S. Patent No. 6,349,257 to Lui et al. ("Lui")

Claims 1, 4, 5, 7-9, 11, 12, 15, 16, 18-20, and 22-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kariya, Hancock, and Lui. Applicants submit that the claims are patentable over the cited references.

#### A.     Claim 1

##### 1.     Language of claim 1

Claim 1 comprises a controlling device that controls a menu display to display predetermined fixed menu information. This predetermined fixed menu information is part of menu information, and when the menu information is updated, the menu controlling device

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controls the menu display to display updated menu information with the predetermined fixed menu information.

### 2. Illustrative non-limiting embodiment of claim 1

Figs. 3 and 4 of the present application show an illustrative, non-limiting embodiment of the claimed features. For example, in Fig. 3, a controlling device displays predetermined fixed menu information (*e.g.*, a "MY MENU" option and a "DEFAULT MENU" option). As shown in Fig. 4, if menu information is updated, the controlling device displays updated menu information (*e.g.*, a "TOKYO CAR NAVIGATION SHOW '99" option) with the predetermined fixed menu information (*e.g.*, the "MY MENU" option and the "DEFAULT MENU" option).

### 3. Examiner's rejection

On pages 3 and 4 of the Office Action, the Examiner acknowledges that Kariya and Hancock do not suggest the claimed features discussed above. However, the Examiner maintains that the Abstract, Figs. 4-6, and column 7, lines 1-17, of Lui suggest a device that displays updated menu information with predetermined fixed menu information. Applicants respectfully disagree.

### 4. Disclosure of Lui

As shown in Fig. 2 of Lui, a computing system 10 (*e.g.*, a personal computer 130, a kiosk 140, or a terminal connected to a server 110 via the Internet 120 (Fig. 1)), displays a login screen prompting a user to login to the system 10 (step 202). After the user successfully logs in, the system 10 prompts the user to manually input his or her itinerary (step 204).

Specifically, as shown in Fig. 3, the user inputs the name or address of his or her first destination in the "location" window 301 and presses the "add" button 303 to add this destination

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to the "itinerary" window 302. Then, the user inputs the name or address of a second destination in the window 301 and presses the button 303 to add this destination to the window 302. The user repeats this process until he or she has input all of the desired destinations of his or her itinerary. (Column 4, lines 6-8, 12-13, and 45-59).

Then, the system 10 displays the screen shown in Fig. 4 to prompt the user to input his or her lodging preferences (step 206). As shown in Fig. 4, the lodging preferences include the desired price, style, proximity, and available amenities of the lodgings. (Column 4, lines 14-16; column 4, line 60, to column 5, line 22). Subsequently, the system 10 displays the screen shown in Fig. 5 to prompt the user to input his or her restaurant preferences (step 208). As shown in Fig. 5, the restaurant preferences include the desired price, food style, and proximity of the restaurants. (Column 4, lines 14-16; column 5, lines 23-35). Afterwards, the system 10 displays the screen shown in Fig. 6 to prompt the user to input his or her service station preferences (step 210). As shown in Fig. 6, the service station preferences include the desired fuel type, gas company, proximity, and amenities of the service stations. (Column 4, lines 14-16; column 5, lines 36-51).

Once the user inputs his or her itinerary and preferences, he or she indicates how to transfer this information to his or her vehicle 16 (steps 214 and 218). (Column 4, lines 34-44). For example, the user may instruct the system to download the information to a smart card 12 (Fig. 1). In such case, the user physically carries the card 12 to the vehicle 16 (Fig. 1) and connects the smart card 16 via an appropriate connection to a navigation device 14 (Fig. 1) within the vehicle 16. Alternatively, the user can instruct the system 10 to transfer the information to the device 14 via wireless communication. (Column 3, lines 34-50).

As shown in Fig. 9, once the itinerary and user preferences have been input to the navigation device 14, the user can input a command to instruct the device to search for various points of interests based on his or her itinerary and preferences (step 902). (Column 6, lines 16-22; column 6, line 62, to column 7, line 1). In response to the request, the device 14 parses the request for information relating to the search (step 904) and obtains the current position of the vehicle 16 from the location means 720 ((*e.g.,* a GPS receiver) (Fig. 7))(step 906). (Column 5, line 67; column 6, lines 63, to column 7, line 5).

After obtaining the vehicle position 16, the device 14 creates an initial list of all possible points of interest within a predetermined distance (*e.g.,* 20 miles) from the vehicle 16 (step 908) and eliminates certain points of interest from the list based on the information about the user's itinerary and preferences that the user previously inputted via the screens shown in Figs. 3-6 (steps 910 and 912). (Column 7, lines 5-15). Then, the device 14 creates a "resultant list" of points of interest which are ordered in accordance with the user's preferences (step 914). (Column 7, lines 15-17).

### 5.    Claim 1 is patentable

As described above, Figs. 4-6 show menus that prompt the use to input various preferences for lodging, restaurants, and service stations. However, Lui does not suggest that, when the menu information within the menus is updated, updated menu information is displayed along with predetermined fixed menu information.

Also, even if the menus in Figs. 4-6 generally constitute "predetermined fixed menu information" and the "resultant list" described at column 7, lines 15-17, generally corresponds to "updated menu information," the computer system 10 (*e.g.,* computer 130 or kiosk 140)

generates and displays the menus in Figs. 4-6, and the navigation device 14 generates the "resultant list." Therefore, the "updated menu information" in the resultant list is <u>not displayed</u> <u>with</u> the "predetermined fixed menu information" in Figs. 4-6 as claim 1 requires. Thus, the "resultant list" and the menus in Figs. 4-6 do not teach the claimed predetermined fixed menu information and the claimed updated menu information.

In addition, Lui does not teach how the resultant list is displayed, if the list is even displayed at all. While Lui does not suggest if and how the list is conveyed to the user, the device 14 may use the list to merely display points of interest on a map and may not display the list as a "menu." Accordingly, the resultant list described in column 7 of Lui does not suggest the claimed predetermined fixed menu information or the claimed updated menu information.

In light of the discussion above, Applicants submit that claim 1 is patentable over the cited references.

**B.      Claims 4, 5, 7-9, and 11**

Since claims 4, 5, 7-9, and 11 depend upon claim 1, Applicants submit that these claims are patentable at least by virtue of their dependency.

**C.      Claim 12**

Since claim 12 contains features that are analogous to the features discussed above in conjunction with claim 1, Applicants submit that claim 12 is patentable for analogous reasons.

**D.      Claims 15, 16, and 18-20**

Since claims 15, 16, and 18-20 depend upon claim 12, Applicants submit that such claims are patentable at least by virtue of their dependency.

### E.　　Claim 22

Since claim 22 contains features that are analogous to the features discussed above in conjunction with claim 1, Applicants submit that claim 22 is patentable for analogous reasons.

### F.　　Claims 23 and 24

Since claims 23 and 24 depend upon claim 1 or 12, Applicants submit that such claims are patentable at least by virtue of their dependency.

### G.　　Claim 25

Applicants submit that claim 25 is patentable over Kariya, Hancock, and Lui. For example, the claim comprises a control circuit that displays a menu having a predetermined menu option and an additional menu option. The control circuit (1) displays the predetermined menu option regardless of an area in which a current position of a movable body is located, (2) displays the additional menu option when the current position enters a particular area, and (3) displays the additional menu option with the predetermined menu option.

The Examiner maintains that Lui displays a predetermined menu option as claimed. However, as discussed above, the menus in Figs. 4-6 are not displayed with any information that is displayed based on a current position of a movable body, and thus, such menus do not suggest the claimed predetermined menu option. Also, since Lui's navigation device 14 generates the "resultant list" described at column 7 based on the current position of the vehicle 16, is does not suggest the claimed predetermined menu option.

Accordingly, Applicants submit that claim 25 is patentable over the cited references.

### H.    Claims 26-28

Since claims 26-28 depend upon claim 25, Applicants submit that they are patentable at least by virtue of their dependency.

### I.    Claim 29

Claim 29 states that additional menu information is transmitted to a mobile body when the mobile body enters a particular area and that the additional menu information relates to a menu option to be displayed on a navigation apparatus of a mobile body. The Examiner seems to contend that the "resultant list" of Lui corresponds to the additional menu information. However, as discussed above, Lui does not suggest that the navigation device 14 displays the "resultant list" as a menu with menu options. Therefore, claim 29 is patentable over the cited references.

## III.    Newly added claims

Applicants have added claims 30 and 31 to provide more varied protection for the present invention. Since claims 30 and 31 depend upon claims 1 and 12, respective, and since such claims contain features that are similar to the features discussed above in conjunction with claim 25, Applicants submit that they are patentable for at least these reasons.
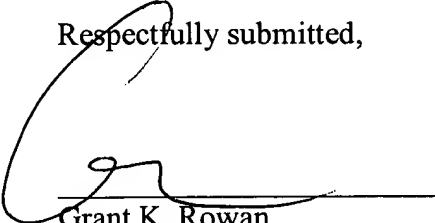
## IV.    Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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